

LEGISLATIVE BILL 314

Approved by the Governor May 19, 2009

Introduced by Speaker Flood, 19; at the request of the Governor.

FOR AN ACT relating to appropriations; to define terms; to appropriate funds for capital construction and property acquisition as prescribed; to state intent; to require program statements; to provide an operative date; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. DEFINITION OF APPROPRIATION PERIOD.

For purposes of this act and any other legislative bill passed by the One Hundred First Legislature, First or Second Session, which appropriates funds, FY2008-09 means the period July 1, 2008, through June 30, 2009, FY2009-10 means the period July 1, 2009, through June 30, 2010, FY2010-11 means the period July 1, 2010, through June 30, 2011, FY2011-12 means the period July 1, 2011, through June 30, 2012, and FY2012-13 means the period July 1, 2012, through June 30, 2013.

Sec. 2. APPROPRIATION LANGUAGE.

There are hereby appropriated, for FY2009-10 and FY2010-11, the sums set forth in this act to each agency for each program from the respective funds for capital construction projects, land acquisition, lease-purchase arrangements, and major equipment acquisition, except as otherwise appropriated.

Sec. 3. REAPPROPRIATION OF BALANCE, FY2009-10 to FY2010-11.

In addition to the appropriations set forth in this act, there are hereby reappropriated all unexpended appropriation balances existing on June 30, 2010, for FY2010-11 to the respective agencies, programs, and funds listed in this act, except as otherwise provided in this act.

Sec. 4. NEBRASKA ACCOUNTING SYSTEM MANUAL DEFINITIONS.

The definitions contained in the Nebraska Accounting System Manual, and any amendments thereto, on file with the Clerk of the Legislature are hereby adopted by the Legislature as the definitions for this act.

Sec. 5. DRAWING AND PAYING WARRANTS.

The Director of Administrative Services shall draw warrants upon the proper fund in the state treasury for an amount not to exceed the appropriations set forth in this act upon presentation of proper documentation. The State Treasurer shall pay the warrants out of the appropriate funds.

Sec. 6. It is the intent of the Legislature that the appropriations for capital facilities follow an orderly and reasonable process based upon defined and documented need and an analysis of the utilization of existing facilities.

The biennial appropriations contained in this act covering FY2009-10 and FY2010-11, which have been designated for planning, require from the agency a complete program statement prepared in accordance with the Procedural Manual for Capital Construction as approved by the state building division of the Department of Administrative Services. Projects directly related to program continuation such as fire and life safety, maintenance, utility improvements, handicapped access, and master planning require a statement of needs prepared in accordance with the manual. An appropriation for drawings and construction may be recommended only after submission of an acceptable program statement or statement of needs on or before September 15 to the state building division, the budget division of the Department of Administrative Services, and the Legislative Fiscal Analyst.

Program statements that have been submitted prior to FY2009-10 shall be updated if necessary and resubmitted during the period July 1, 2009, to September 1, 2009. Program statements that have been submitted prior to FY2010-11 shall be updated if necessary and resubmitted during the period July 1, 2010, to September 1, 2010, by agency priority. Such priority shall be subject to final modification by the governing authority of each agency on or before September 15, 2010.

Sec. 7. It is the intent of the Legislature that agencies should construct or renovate facilities in such a manner as to provide the greatest cost-effective energy savings possible. Design criteria emphasizing efficiency, functionality, and energy conservation shall be reflected in program statements, schematic design documents, design development documents, and construction documents. The state building division of the Department of Administrative Services and the State Energy Office shall provide technical assistance to the state agencies, upon request, to assist them in providing

for energy-efficient new or renovated facilities.

Sec. 8. AGENCY NO. 33 - GAME AND PARKS COMMISSION
Program No. 900 - State Park System Facility Improvements

	FY2009-10	FY2010-11	FUTURE
CASH FUND	125,000	125,000	-0-
PROGRAM TOTAL	125,000	125,000	-0-

The Game and Parks Commission is hereby authorized to maintain and improve basic facilities of the state park system. There is included in the appropriation to this program for FY2009-10 \$50,000 cash funds and for FY2010-11 \$50,000 cash funds for this purpose.

The Game and Parks Commission is hereby authorized to develop new, maintain, and improve boating facilities. There is included in the appropriation to this program for FY2009-10 \$75,000 cash funds and for FY2010-11 \$75,000 cash funds for this purpose.

Sec. 9. AGENCY NO. 33 - GAME AND PARKS COMMISSION
Program No. 901 - State Parks Facilities Deferred Maintenance

	FY2009-10	FY2010-11	FUTURE
CASH FUND	300,000	300,000	-0-
PROGRAM TOTAL	300,000	300,000	-0-

The Game and Parks Commission is hereby authorized to make deferred repairs and maintenance improvements at facilities in the state park system and replace and upgrade facilities in the state park system with the appropriation to this program.

Sec. 10. AGENCY NO. 33 - GAME AND PARKS COMMISSION
Program No. 924 - Wildlife Land Acquisition and Improvements

	FY2009-10	FY2010-11	FUTURE
CASH FUND	200,000	200,000	-0-
PROGRAM TOTAL	200,000	200,000	-0-

The Game and Parks Commission is hereby authorized to acquire and develop wildlife lands and waters statewide with the appropriation to this program.

Sec. 11. AGENCY NO. 33 - GAME AND PARKS COMMISSION
Program No. 967 - Improvements to State Parks

	FY2009-10	FY2010-11	FUTURE
CASH FUND	850,500	472,500	-0-
PROGRAM TOTAL	850,500	472,500	-0-

The Game and Parks Commission is hereby authorized to make state parks improvements statewide with the appropriation to this program.

It is intended that the following projects be undertaken with funds appropriated to this program for FY2009-10:

- Repair and Update Pond and Sewage Facility to Lodging Facilities - Ponca State Park - 350,000
- Heating, Ventilation, and Air-Condition Lodge - Fort Robinson - 150,000
- Update and renovate 16 cabins - Mahoney State Park - 200,000
- Upgrade and Repair Swimming Pool - Chadron State Park - 50,000
- Upgrade and renovate cabins - Platte River State Park - 60,000
- Major State Park Contingency for cost overruns in Program 967 - 40,500

It is intended that the following projects be undertaken with the funds appropriated to this program for FY2010-11:

- Update and renovate 16 cabins - Mahoney State Park - 200,000
- Utilities upgrade and new water tower - Ponca State Park - 250,000
- Major State Park Contingency for cost overruns in Program 967 - 22,500

Sec. 12. AGENCY NO. 33 - GAME AND PARKS COMMISSION
Program No. 969 - Improvements to State Recreation Areas

	FY2009-10	FY2010-11	FUTURE
GENERAL FUND	165,000	-0-	-0-
CASH FUND	246,750	29,500	-0-
PROGRAM TOTAL	411,750	29,500	-0-

The Game and Parks Commission is hereby authorized to make state recreation area improvements statewide with the appropriation to this program.

It is intended that the following projects be undertaken with funds appropriated to this program for FY2009-10:

- Contingency-Rec Areas - Statewide - 11,750
- Interpretive Displays - Lake McConaughy State Recreation Area - 125,000
- Maintenance Shop Upgrade - Pawnee Lake State Recreation Area - 60,000

Water Treatment Plant Replacement - Rock Creek Station State Recreation Area - 50,000

Addition to Visitor Center Planning and Construction - Wildcat Hills State Recreation Area - 165,000

It is intended that the following projects be undertaken with funds appropriated to this program for FY2010-11:

- Contingency-Rec Areas - Statewide - 4,500
- Service Hook-ups to Electrical Pads - Willow Creek State Recreation Area - 25,000

Sec. 13. AGENCY NO. 33 - GAME AND PARKS COMMISSION
 Program No. 971 - Improvements to Special Use Areas (Wildlife Management Areas)

	FY2009-10	FY2010-11	FUTURE
CASH FUND	325,000	325,000	-0-
PROGRAM TOTAL	325,000	325,000	-0-

The Game and Parks Commission is hereby authorized to make improvements statewide to basic facilities at wildlife management areas.

Sec. 14. AGENCY NO. 33 - GAME AND PARKS COMMISSION
 Program No. 972 - Improvements to Administrative Facilities

	FY2009-10	FY2010-11	FUTURE
CASH FUND	75,000	75,000	-0-
PROGRAM TOTAL	75,000	75,000	-0-

The Game and Parks Commission is hereby authorized to make general improvements and repairs to the central and district offices.

Sec. 15. AGENCY NO. 33 - GAME AND PARKS COMMISSION
 Program No. 973 - Improvements to Fish Production Facilities

	FY2009-10	FY2010-11	FUTURE
CASH FUND	1,000,000	1,000,000	-0-
PROGRAM TOTAL	1,000,000	1,000,000	-0-

The Game and Parks Commission is hereby authorized to make fisheries improvements statewide, such as improvements to hatcheries and the acquisition and development of fishing access facilities, with the appropriation to this program.

Sec. 16. AGENCY NO. 33 - GAME AND PARKS COMMISSION
 Program No. 975 - Emergency Repairs to State Park System Areas

	FY2009-10	FY2010-11	FUTURE
CASH FUND	75,000	75,000	-0-
PROGRAM TOTAL	75,000	75,000	-0-

The Game and Parks Commission is hereby authorized to make emergency repairs statewide to facilities in the state park system with the appropriation to this program.

Sec. 17. AGENCY NO. 33 - GAME AND PARKS COMMISSION
 Program No. 976 - Emergency Repairs to Fish and Wildlife Facilities

	FY2009-10	FY2010-11	FUTURE
CASH FUND	50,000	50,000	-0-
PROGRAM TOTAL	50,000	50,000	-0-

The Game and Parks Commission is hereby authorized to make emergency repairs statewide to hatcheries, wildlife management areas, refuges, and other facilities related to fish and wildlife management with the appropriation to this program.

Sec. 18. AGENCY NO. 33 - GAME AND PARKS COMMISSION

Program No. 977 - Nongame and Endangered Species Land Acquisition and Development

	FY2009-10	FY2010-11	FUTURE
CASH FUND	200,000	-0-	-0-
PROGRAM TOTAL	200,000	-0-	-0-

The Game and Parks Commission is hereby authorized to acquire and develop wildlife lands for the benefit of nongame and endangered species and public use facilitation statewide.

Sec. 19. AGENCY NO. 33 - GAME AND PARKS COMMISSION

Program No. 981 - Aquatic Habitat Enhancement and Restoration

	FY2009-10	FY2010-11	FUTURE
CASH FUND	3,000,000	3,000,000	-0-
PROGRAM TOTAL	3,000,000	3,000,000	-0-

The Game and Parks Commission is hereby authorized to enhance and rehabilitate aquatic habitat statewide with the appropriation to this program.

Sec. 20. AGENCY NO. 33 - GAME AND PARKS COMMISSION

It is the intent of the Legislature that the Game and Parks Commission shall apply for and make maximum use of federal funding on all capital construction projects which are eligible for such assistance. It is the intent of the Legislature that all funds appropriated to the Game and Parks Commission for capital construction projects shall only be spent for the purpose of the original appropriation.

Sec. 21. AGENCY NO. 46 - DEPARTMENT OF CORRECTIONAL SERVICES

Program No. 913 - Security Systems Upgrade

	FY2009-10	FY2010-11	FUTURE
GENERAL FUND	1,855,000	1,500,000	1,500,000
PROGRAM TOTAL	1,855,000	1,500,000	1,500,000

The Department of Correctional Services is hereby authorized to upgrade security system components at various Department of Correctional Services Facilities statewide.

It is intended that the following projects be undertaken with funds appropriated to this program:

Replace Perimeter Security Lights on the Old Campus - Nebraska Correctional Center for Women

Replace Perimeter Security Fencing on Old Campus - Nebraska Correctional Center for Women

Replace Perimeter Detection System - Lincoln Correctional Center/Diagnostic and Evaluation Center

Install Rooftop Security Fence Above Front Entrance - Lincoln Correctional Center

Install Rooftop Security Fence Above Entrance - Diagnostic and Evaluation Center

Perimeter Fencing Upgrade between Entrance and Tower 1 - Diagnostic and Evaluation Center

Replace Razor Ribbon on Exterior Security Fence - Omaha Correctional Center

Install Exterior Security Lights - Community Corrections Center at Omaha

Replace Exterior Security Lights - Nebraska State Penitentiary Control Center Modifications in Buildings A and C for Department of Correctional Services Inmate Population - Work Ethic Camp

Closed Circuit Surveillance Camera Improvements - Various Facilities

Sec. 22. AGENCY NO. 47 - NEBRASKA EDUCATIONAL TELECOMMUNICATIONS

COMMISSION

Program No. 911 - Digitization (DTV) Equipment and Satellite Bandwidth Replacement

	FY2009-10	FY2010-11	FUTURE
NEBRASKA CAPITAL	4,692,327	-0-	-0-
CONSTRUCTION FUND			
PROGRAM TOTAL	4,692,327	-0-	-0-

The Legislature hereby acknowledges and reaffirms the directive made by Laws 1999, LB 878, section 30, which authorizes the Nebraska Educational Telecommunications Commission (NETC) to digitize the NETC transmission signal and to replace satellite transponder capacity. This project should be completed in FY2009-10.

(1) On or before August 31, 2010, any funds appropriated from the State Building Fund and the Nebraska Capital Construction Fund for the digitization equipment project and the satellite transponder capacity replacement project held in the state treasury and held by the trustee which are not necessary to meet the terms of any long-term financing agreements entered into pursuant to this section shall be transferred to the General Fund.

(2) The commission may expend funds appropriated to Program 533 to meet incidental administrative expenses associated with the digitization equipment project and the satellite transponder capacity replacement project. The commission may also expend federal funds and private gifts and donations for the same purposes.

(3) It is the intent of the Legislature that the Nebraska Educational Telecommunications Commission submit quarterly reports with regard to the costs and associated funding of the digitization equipment project as contained in Program 911, according to the procedures established by the Chief Information Officer (CIO).

Sec. 23. AGENCY NO. 47 - NEBRASKA EDUCATIONAL TELECOMMUNICATIONS COMMISSION

Program No. 922 - Final DTV Transmitter Conversion

	FY2009-10	FY2010-11	FUTURE
NEBRASKA CAPITAL	900,000	-0-	-0-
CONSTRUCTION FUND			
PROGRAM TOTAL	900,000	-0-	-0-

The Legislature hereby acknowledges and reaffirms the directive by Laws 2007, LB 320, section 30, which authorized the Nebraska Educational Telecommunications Commission to complete the conversion of the existing NETC system to the new DTV system through upgrades to existing statewide transmission systems, translators, and transmitters and through the removal of antennas, transmission lines, and other outdated equipment associated with the conversion process.

Sec. 24. AGENCY NO. 50 - BOARD OF TRUSTEES OF THE NEBRASKA STATE COLLEGES

Program No. 919 - State College Facilities Program

	FY2009-10	FY2010-11	FUTURE
GENERAL FUND	1,125,000	1,125,000	10,125,000
REVOLVING FUND est.	1,200,000	1,200,000	10,800,000
PROGRAM TOTAL	2,325,000	2,325,000	20,925,000

The Legislature hereby acknowledges and reaffirms the directive made by Laws 2006, LB 605, sections 5, 6, and 7, which authorizes the Board of Trustees of the Nebraska State Colleges to make expenditures from the State College Facilities Program exclusively for deferred maintenance, repair, and renovation projects outlined in section 6 of LB 605.

Sec. 25. AGENCY NO. 50 - BOARD OF TRUSTEES OF THE NEBRASKA STATE COLLEGES

Program No. 920 - Board Facilities Fee Fund Projects

	FY2009-10	FY2010-11	FUTURE
REVOLVING FUND est.	957,340	957,340	8,616,060
PROGRAM TOTAL	957,340	957,340	8,616,060

The Legislature hereby acknowledges and reaffirms provisions of section 85-328 which authorize amounts accumulated in the State College Facility Fee Fund to be expended for the purpose of paying the cost of capital improvement projects approved by the Board of Trustees of the Nebraska State Colleges for facilities on campuses or lands owned or controlled by the board.

Sec. 26. AGENCY NO. 51 - UNIVERSITY OF NEBRASKA
 Program No. 906 - System Facilities Fee Fund Projects

	FY2009-10	FY2010-11	FUTURE
CASH FUND est.	5,200,000	-0-	-0-
PROGRAM TOTAL	5,200,000	-0-	-0-

The Legislature hereby acknowledges and reaffirms the directive made by Laws 1998, LB 1100, sections 3 and 4, which authorizes the Board of Regents of the University of Nebraska to complete various renewal and renovation projects on all university campuses with the appropriation to this program.

Sec. 27. AGENCY NO. 51 - UNIVERSITY OF NEBRASKA
 Program No. 920 - University of Nebraska Facilities Program

	FY2009-10	FY2010-11	FUTURE
GENERAL FUND	11,000,000	11,000,000	99,000,000
CASH FUND est.	5,500,000	11,000,000	94,632,546
PROGRAM TOTAL	16,500,000	22,000,000	193,632,546

The Legislature hereby acknowledges and reaffirms the directive made by Laws 2006, LB 605, sections 2, 3, and 4, which authorizes the Board of Regents to make expenditures from appropriated funds for the University of Nebraska Facilities Program exclusively for deferred maintenance, repair, renovation, facility renovation, and facility replacement projects as outlined in section 3 of LB 605.

Sec. 28. AGENCY NO. 51 - UNIVERSITY OF NEBRASKA
 Program No. 930 - NCTA Education Center

	FY2009-10	FY2010-11	FUTURE
GENERAL FUND	-0-	-0-	11,986,135
NEBRASKA CAPITAL	-0-	803,000	-0-
CONSTRUCTION FUND			
PROGRAM TOTAL	-0-	803,000	11,986,135

The Board of Regents of the University of Nebraska is hereby authorized to design and construct an Education Center at the Nebraska College of Technical Agriculture. The total project cost to be supported from state funds is \$8,762,000. Nonstate tax funds of \$1,000,000 shall be used to supplement the project.

The Board of Regents may enter into long-term financing contracts with any person, firm, or corporation for the Education Center project. The payments of the costs of the project may occur over a contract period not to extend beyond June 30, 2025. The Board of Regents shall not pledge the credit of the State of Nebraska for the payment of any sum owing on account of such contracts, except that there may be pledged for payment of any such contracts any appropriations made by the Legislature for such purpose. No contracts shall be entered into pursuant to this section without prior approval by resolution of the Board of Regents. The Board of Regents may schedule contractual payments on a monthly, quarterly, or semiannual basis consistent with the state fiscal year. On or before August 31, 2025, any funds appropriated from the Nebraska Capital Construction Fund and the General Fund for the project held in the state treasury and held by any trustee which are not necessary to meet the terms of any long-term financing agreements entered into pursuant to this section shall be transferred to the General Fund.

Sec. 29. LEGISLATIVE APPROVAL FOR HIGHER EDUCATION FACILITIES EXPENDITURES

Pursuant to the provisions of section 85-408 and a recommendation for approval by the Coordinating Commission for Postsecondary Education, the Legislature hereby approves the request by the University of Nebraska for the expenditure of \$4,960,000 from bond surplus funds for the partial renovation of Men's Hall and Randall Hall at the University of Nebraska at Kearney.

Sec. 30. LEGISLATIVE APPROVAL FOR HIGHER EDUCATION FACILITIES EXPENDITURES

Pursuant to the provisions of sections 85-404 and 85-408 and a recommendation for approval by the Coordinating Commission for Postsecondary Education, the Legislature hereby approves the request by the University of Nebraska for a \$16,800,000 parking structure at 19th and Vine Streets at the University of Nebraska-Lincoln. The parking structure shall be financed from bonds issued under the University's Master Trust Indenture and parking surplus funds which will be repaid by net parking revenue.

Sec. 31. AGENCY NO. 65 - DEPARTMENT OF ADMINISTRATIVE SERVICES
Program No. 901 - State Capitol Improvements

	FY2009-10	FY2010-11	FUTURE
NEBRASKA CAPITAL	1,000,000	1,000,000	-0-
CONSTRUCTION FUND			
PROGRAM TOTAL	1,000,000	1,000,000	-0-

The State Capitol Administrator is hereby authorized to undertake projects identified within the Master Plan for the Conservation and Restoration of the Nebraska State Capitol. Prior to expending any amounts appropriated in this section, the State Capitol Administrator shall identify projects planned to be undertaken with such amounts and shall submit such plans to the Nebraska Capitol Commission for approval. There is included in the appropriation to this program \$1,000,000 for FY2009-10 and \$1,000,000 for FY2010-11 from the Nebraska Capital Construction Fund for such purpose. Of the amount appropriated for FY2009-10, not less than \$150,000 shall be allocated for conservation and restoration of Capitol space occupied by the Legislature. Of the amount appropriated for FY2010-11, not less than \$150,000 shall be allocated for conservation and restoration of Capitol space occupied by the Legislature.

Sec. 32. AGENCY NO. 65 - DEPARTMENT OF ADMINISTRATIVE SERVICES
Program No. 913 - Parking Expansion

	FY2009-10	FY2010-11	FUTURE
REVOLVING FUND	2,169,630	-0-	-0-
PROGRAM TOTAL	2,169,630	-0-	-0-

The Legislature hereby acknowledges and reaffirms the directive made by Laws 1996, LB 1189, section 53, which authorized the Department of Administrative Services to construct two additional levels of parking to the state's east garage in Lincoln and one additional level of parking to the state's south garage in Lincoln, along with related repair and restoration items, and which authorized the state building division of the Department of Administrative Services to enter into contracts with the city of Lincoln or any person, firm, or corporation in order to construct such additional parking and to proceed with financing the project for a period not to exceed twenty years.

There is included in the appropriation to this program for FY2009-10 \$2,169,630 from the Capitol Buildings Parking Revolving Fund to be applied toward retirement of remaining obligations entered into to finance the projects.

Sec. 33. AGENCY NO. 65 - DEPARTMENT OF ADMINISTRATIVE SERVICES
Program No. 920 - Executive Office Building and Parking Facility Purchase

	FY2009-10	FY2010-11	FUTURE
REVOLVING FUND	1,624,360	-0-	-0-
PROGRAM TOTAL	1,624,360	-0-	-0-

The Legislature hereby acknowledges and reaffirms the directive made by Laws 1999, LB 878, section 54, which authorized the Department of Administrative Services to purchase the Executive Office Building and the parking facility located at the corner of 13th and K Streets in Lincoln, Nebraska. The department was further authorized to enter into a contract or contracts with such entity or entities as necessary to facilitate financing the purchase.

There is included in the appropriation to this program for FY2009-10 \$1,624,360 from the State Building Revolving Fund to be applied toward retirement of remaining obligations entered into to finance the project.

Sec. 34. AGENCY NO. 65 – DEPARTMENT OF ADMINISTRATIVE SERVICES

Program No. 933 - Acquisition of Property within and in close proximity to the Capitol Environs District

	FY2009-10	FY2010-11	FUTURE
NEBRASKA CAPITAL	-0-	13,080,000	-0-
CONSTRUCTION FUND			
PROGRAM TOTAL	-0-	13,080,000	-0-

(1) The Legislature hereby acknowledges and reaffirms the directive made by Laws 2007, LB 320, section 45, which authorized the Department of Administrative Services to purchase property located within the Nebraska State Capitol Environs District, or in proximity to it, as such property becomes available. The Department of Administrative Services is also authorized to enter into long-term financial agreements in order to acquire such property. Prior to finalization of any long-term financing agreements, the Governor's approval shall be obtained. Such long-term agreements shall not extend beyond June 30, 2014. There is included in the appropriation to this program for FY2010-11 \$10,980,000 from the Nebraska Capital Construction Fund for such purpose.

(2) The Department of Administrative Services is hereby authorized to expend up to \$2,100,000 for purposes authorized in subsection (3) of this section. There is included in the appropriation to this program for FY2010-11 \$2,100,000 from the Nebraska Capital Construction Fund for purposes authorized in subsection (3) of this section.

(3) In addition to the purchase of property, the Department of Administrative Services may purchase moveable and fixed equipment, pay for moving costs associated with moving agencies into any building which is acquired, pay for rental expenses associated with moving agencies into any building which is acquired, and defray any miscellaneous associated costs of moving agencies into any building which is acquired.

Sec. 35. AGENCY NO. 65 – DEPARTMENT OF ADMINISTRATIVE SERVICES

Program No. 935 - Nebraska Public Safety Communication System Towers and Network Equipment Financing

	FY2009-10	FY2010-11	FUTURE
GENERAL FUND	1,027,233	1,027,233	2,054,466
PROGRAM TOTAL	1,027,233	1,027,233	2,054,466

The unexpended State Building Fund appropriation balance existing on June 30, 2009, is hereby reappropriated as General Funds.

The Legislature hereby acknowledges and reaffirms the directive made by Laws 2007, LB 320, section 46, which authorized the Chief Information Officer to enter into a master lease financing agreement through the Department of Administrative Services for costs of radio towers and network equipment associated with implementing the Nebraska Public Safety Communication System. Total project costs may change as user partners are added to the system, but the State of Nebraska portion of the System Towers and Network Equipment Project cost, including financing, shall not exceed \$10,680,754.

There is included in the total appropriation to this program for FY2008-09 \$3,051,644 from the General Fund for costs of radio towers and network equipment and to initiate repayment of project financing.

There is included in the appropriation to this program for FY2009-10 \$1,027,233 from the General Fund for costs of radio towers and network equipment and to initiate and continue repayment of project financing.

There is included in the appropriation to this program for FY2010-11 \$1,027,233 from the General Fund for costs of radio towers and network

equipment and to initiate and continue repayment of project financing.

It is the intent of the Legislature to appropriate \$2,054,466 from the General Fund for the period including FY2011-12 through FY2013-14 for costs of radio towers and network equipment and to complete repayment of project financing.

Sec. 36. AGENCY NO. 65 - DEPARTMENT OF ADMINISTRATIVE SERVICES
 Program No. 939 - State Capitol Complex

	FY2009-10	FY2010-11	FUTURE
NEBRASKA CAPITAL	6,809,014	-0-	-0-
CONSTRUCTION FUND			
PROGRAM TOTAL	6,809,014	-0-	-0-

The Legislature hereby acknowledges and reaffirms the directives made by Laws 1997, LB 386, section 55, which authorized the State Capitol Masonry Restoration project. The Legislature further acknowledges and reaffirms provisions of the Nebraska State Capitol Preservation and Restoration Act which assign responsibility for administration of the project to the Office of the Nebraska Capitol Commission.

There is included in the appropriation to this program for FY2009-10 \$6,809,014 from the Nebraska Capital Construction Fund to complete the project. The project should be completed in FY2010-11.

Sec. 37. AGENCY NO. 65 - DEPARTMENT OF ADMINISTRATIVE SERVICES
 Program No. 940 - Task Force for Building Renewal

	FY2009-10	FY2010-11	FUTURE
CASH FUND	24,620,618	21,939,997	53,220,313
PROGRAM TOTAL	24,620,618	21,939,997	53,220,313

The Legislature hereby acknowledges and reaffirms the directive made by section 77-2602, which is to place amounts from the special privilege tax on cigarettes in the Building Renewal Allocation Fund for FY1997-98 and continuing each fiscal year until all the purposes of the Deferred Building Renewal Act have been fulfilled. The Legislature hereby further acknowledges and reaffirms the directives made by sections 81-188.01, 81-188.03, and 81-188.05 which are to place amounts from certain depreciation charges in the State Building Renewal Assessment Fund, University Building Renewal Assessment Fund, and State College Building Renewal Assessment Fund for purposes as provided in the Deferred Building Renewal Act.

The appropriation to this program is for the purpose of carrying out the provisions of the Deferred Building Renewal Act which includes deferred repair, fire and life safety projects, and compliance with the federal Americans with Disabilities Act (ADA) of 1990. Funds may also be spent on projects related to energy conservation. There is hereby appropriated any available federal funds, plus investment income thereon, for this program for FY2009-10 and FY2010-11. There is included in the appropriation to this program for FY2009-10 an amount not to exceed \$200,000 cash funds and for FY2010-11 an amount not to exceed \$200,000 cash funds for building maintenance and renewal training, roof scans and other testing procedures, and consulting work.

The funds appropriated in this section for actual deferred repair, fire and life safety, compliance with the federal Americans with Disabilities Act of 1990, and energy conservation shall be matched by federal, private, and agency General, Cash, and Revolving Funds as determined by the Task Force for Building Renewal.

None of the funds appropriated to this program shall be used for operating budget compliance with the federal Americans with Disabilities Act of 1990. Expenditures for deferred repair, fire and life safety projects, and compliance with the federal Americans with Disabilities Act of 1990 may be made through the same program on the Allotment Status Report in the Nebraska Information System, except that expenditures for deferred repair, fire and life safety projects, and compliance with the federal Americans with Disabilities Act of 1990 should each be kept separate by subprogram on the Budget Status Report in the Nebraska Information System or through the use of the Grant Project Status Report or some other accounting mechanism.

Sec. 38. AGENCY NO. 65 - DEPARTMENT OF ADMINISTRATIVE SERVICES
 Program No. 980 - Utility Improvements - Department of Health and Human Services - Statewide

	FY2009-10	FY2010-11	FUTURE
REVOLVING FUND	1,600,000	-0-	-0-
PROGRAM TOTAL	1,600,000	-0-	-0-

The Department of Administrative Services is hereby authorized to make infrastructure improvements to all Department of Health and Human Services campuses and Administrative Services/State Building Division Campuses with the appropriation to this program.

It is intended that the largest of the proposed projects would be the connection of Building 16 at the Norfolk Regional Center to the City of Norfolk Water System.

Sec. 39. AGENCY NO. 65 - DEPARTMENT OF ADMINISTRATIVE SERVICES
 Program No. 981 - Norfolk Regional Center - Central Heating Plant

	FY2009-10	FY2010-11	FUTURE
REVOLVING FUND	750,000	825,000	-0-
PROGRAM TOTAL	750,000	825,000	-0-

The Department of Administrative Services is hereby authorized to replace the existing heating plant on the north edge of the Norfolk Regional Center with a new heating plant adjacent to Building 16. The new plant will be sized to support only Building 16.

Sec. 40. AGENCY NO. 65 - DEPARTMENT OF ADMINISTRATIVE SERVICES
 Program No. 982 - State Capitol Elevators

	FY2009-10	FY2010-11	FUTURE
NEBRASKA CAPITAL	1,000,000	892,479	-0-
CONSTRUCTION FUND			
PROGRAM TOTAL	1,000,000	892,479	-0-

The State Capitol Administrator is hereby authorized to modernize and upgrade the four passenger elevators in the State Capitol tower with new elevator systems.

There is included in the appropriation to this program for FY2009-10 \$1,000,000 from the Nebraska Capital Construction Fund and for FY2010-11 \$892,479 from the Nebraska Capital Construction Fund to complete this project.

Sec. 41. There is hereby appropriated, unless otherwise specified, for FY2009-10 and for FY2010-11 from undisbursed balances existing on June 30, 2009, and on June 30, 2010, respectively, to each agency for each program from the respective funds for capital construction as follows:

(1) Agency No. 25 - Department of Health and Human Services
 Program Nos. 906, 922, 923, 924, and 931.

(2) Agency No. 27 - Department of Roads
 Program No. 901, except that the unobligated biennium appropriation balance shall lapse once all projects funded in that biennium are completed, postponed to a future biennium, or indefinitely postponed.

(3) Agency No. 28 - Department of Veterans' Affairs
 Program No. 937 - Alliance State Veterans' Cemetery.

(4) Agency No. 31 - Military Department
 Program Nos. 905, 906, 910, and 925.

(5) Agency No. 33 - Game and Parks Commission
 Program Nos. 900, 901, 902, 919, 924, 960, 966, 967, 968, 969, 971, 972, 973, 975, 976, 977, 979, and 981, except that for FY2009-10 only the undisbursed balances existing on June 30, 2009, for the following programs and projects shall be reappropriated and all other unobligated June 30, 2009, balances shall lapse:

Program No. 900 - State Park System Facility Improvements and Motor Boat Access Facilities, less \$579,018 of unobligated Cash Fund and \$20,613 of unobligated Federal Fund appropriation authority

Program No. 901 - State Parks Facilities Deferred Maintenance, less \$102,322 of unobligated Cash Fund appropriation authority

Program No. 902 - Trail Development Assistance, less \$1,433 of unobligated Cash Fund appropriation authority

Program No. 919 - Political Subdivisions Aid

Program No. 924 - Wildlife Land Acquisition and Improvements

Program No. 960 - Park and Recreation Land Acquisition, including

the purchase of land for a new maintenance facility to replace the facility located at 30th and Y Streets in Lincoln, less \$266,731 of unobligated Cash Fund appropriation authority

Program No. 966 - Trail Development

Program No. 967 - Improvements to State Parks, less \$217,431 of unobligated Cash Fund appropriation authority

Program No. 968 - State Historical Parks, less \$160,810 of unobligated Cash Fund appropriation authority

Program No. 969 - Improvements to State Recreation Areas, less \$204,690 of unobligated Cash Fund appropriation authority

Program No. 971 - Improvements to Special Use Areas (Wildlife Management Areas), less \$257,529 of unobligated Cash Fund appropriation authority

Program No. 972 - Improvements to Administrative Facilities, less \$328,414 of unobligated Cash Fund appropriation authority

Program No. 973 - Improvements to Fish Production Facilities, less \$462,097 of unobligated Cash Fund appropriation authority

Program No. 975 - Emergency Repairs to State Park System Areas, less \$25,000 of unobligated Cash Fund appropriation authority

Program No. 976 - Emergency Repairs to Fish and Wildlife Facilities

Program No. 977 - Nongame and Endangered Species Land Acquisition and Development

Program No. 979 - Cowboy Trail - Emergency Repairs and Deferred Maintenance, provided that deferred repair projects may be addressed from the unobligated construction appropriations in this program

Program No. 981 - Aquatic Habitat Enhancement and Restoration

(6) Agency No. 46 - Department of Correctional Services

Program Nos. 915, 916, 918, and 920.

(7) Agency No. 47 - Nebraska Educational Telecommunications Commission

Program Nos. 911, 912, 917, 922, 925, and 926.

(8) Agency No. 50 - Board of Trustees of the Nebraska State Colleges

Program Nos. 919, 920, 921, 945, 946, 951, 952, 993, and 996, and any additional construction programs administratively created relating to the Board of Trustees of the Nebraska State Colleges and its campuses which are funded through cash funds, federal funds, revolving funds, or private gifts or donations. The undisbursed appropriation balance for Program No. 998 existing on June 30, 2009, is hereby appropriated for Program No. 840 for FY2009-10. Of such amount appropriated for Program No. 840 for FY2009-10, the undisbursed balance existing on June 30, 2010, is hereby reappropriated for FY2010-11.

(9) Agency No. 51 - University of Nebraska

Program Nos. 901, 902, 903, 905, 907, 908, 909, 912, 915, 917, 918, 920, 922, 925, 927, 928, 933, 934, 935, 937, 942, 943, 944, 946, 947, 948, 949, 951, 952, 953, 954, 955, 956, 958, 959, 960, 962, 964, 965, 966, 967, 968, 969, 970, 973, 974, 975, 976, 978, 980, 982, 983, 985, 989, 990, 992, 993, 994, and 997, and any additional construction programs administratively created relating to the University of Nebraska-Lincoln, the University of Nebraska at Omaha, the University of Nebraska Medical Center, the University of Nebraska at Kearney, the Nebraska College of Technical Agriculture at Curtis, and the University of Nebraska Central Administration which are funded through cash funds, federal funds, revolving funds, or private gifts or donations.

(10) Agency No. 54 - Nebraska State Historical Society Program No. 954.

(11) Agency No. 65 - Department of Administrative Services

Program Nos. 901, 913, 920, 924, 932, 933, 935, 939, 940, 980, 981, and 982.

Appropriations to program numbers pertaining to funding for the Deferred Building Renewal Act are hereby reappropriated.

The budget division of the Department of Administrative Services is hereby authorized to implement the appropriation of unexpended balances existing on June 30, 2009, such that unexpended State Building Fund balances are reappropriated for FY2009-10 as General Funds.

Sec. 42. FEDERAL FUNDS

Any federal funds not otherwise appropriated, any additional federal funds made available to the credit of the State Treasurer, and any unexpended balances in federal funds on the operative date of this act are hereby appropriated and reappropriated to the agency and project for which the funds were allocated by the federal government.

Sec. 43. GIFTS AND BEQUESTS

Any gifts or bequests made available to the State of Nebraska for any purpose or purposes, together with the income thereof, shall be allocated

to the expending agency designated by the donor or, if none is designated by such donor, by the Governor. No matching of state funds shall be required as a condition to accept any gift or bequest. All gifts or bequests of personal property in excess of \$10,000 shall be approved by the Governor before acceptance, and all gifts or devises of real property in excess of \$10,000 to be used for state purposes shall be approved by the Governor and the Legislature before acceptance.

Expenditures from gifts or bequests may be expended through any cash fund accounts, in which case the actual amount of the gift or bequest is hereby appropriated to the expending agency for the purpose or purposes designated by the donor and in addition to the amounts appropriated in this act.

This section shall not apply to the University of Nebraska.

Sec. 44. The One Hundred First Legislature acknowledges that Article III, section 22, of the Constitution of Nebraska provides that each Legislature shall make appropriations for the expenses of the government. Consistent with this provision, any appropriations enacted by prior Legislatures for fiscal years beginning after June 30, 2009, are null and void unless specifically reaffirmed by this Legislature.

Sec. 45. This act becomes operative on July 1, 2009.

Sec. 46. Since an emergency exists, this act takes effect when passed and approved according to law.